

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: CHAPMAN

| | | | |
|-----------------|---|-----------|-----------------|
| Application No. | 10/595,879 | Group: | 2872 |
| Filing Date: | February 16, 2007 | Examiner: | Fineman, Lee A. |
| Title: | FIREARM SIGHTING DEVICE FOR VIEWING AROUND OBSTACLES | | |

DECLARATION UNDER 37 C.F.R. § 1.131
OF THOMAS CHAPMAN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

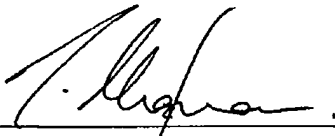
I, Thomas Chapman hereby declare:

1. I am the named inventor of the subject matter claimed in the above-captioned application.
2. I have read the Office Action mailed October 29, 2008.
3. I am an employee of The Commonwealth of Australia, the assignee of the present application.
4. I am the inventor who conceived of the above-entitled invention in Australia prior to the filing date of U.S. Published Patent Application No. 2005/0132631 to Bodo, which I have been advised by Patent Counsel is afforded a filing date as a reference of October 4, 2003.
5. Before October 4, 2003, I conceived of the claimed subject matter. Attached to this Declaration is evidence of the conception of the claimed subject matter in the form of design work during the time period at least from April 8, 2003 to November 6, 2003 encompassing the October 4, 2003 (priority date of Bodo) as well as an invention disclosure form (IDF) dated July 16, 2003 and signed by a witness as well as my Chief of Division, a copy of this was also sent to our patent attorney.
6. I exercised reasonable diligence regarding the invention during the time period at least from October 4, 2003 (the priority date of Bodo) to November 18, 2003 (the priority date of the present application). The diligence-related activities include the

preparation of detailed design prototypes as shown in the attached evidence of design work. The invention was reduced to practice at least from the filing of the IDF of July 16, 2003 as evidenced by the Stage Of Development section of the IDF, when a working functional prototype was produced. A meeting with our patent attorney was then organized and I received confirmation from our patent attorney dated September 16, 2003 that they would prepare a draft provisional patent application. A draft provisional patent application was subsequently prepared by our patent attorney and sent to me by email dated October 1, 2003. The draft was then reviewed at a meeting between the patent attorney and myself on October 27, 2003. Revised drawings were then sent to the patent attorney on November 3, 2003 and an updated draft provisional patent application received by me on November 11, 2003 revision was then lodged under instructions November 18, 2003 following minor correspondence, dated November 14, 2003, between myself, my business development manager assisting on the project at the time and the patent attorney.

7. I further state that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

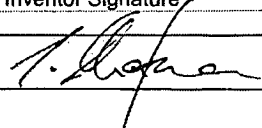
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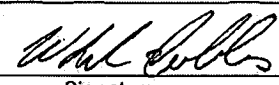

Thomas Chapman

INVENTION DISCLOSURE FORM

 Case No: 0026/03 Date Received: 14/ Jul / 2003 Case Manager: Marcus Belder
DESCRIPTIVE TITLE OF INVENTION: Off Axis Viewing Device for Weapon Scopes and other applications
INVENTOR(S) DETAILS

 Please list names and contact information for each inventor. All people named are required to sign this form.
 (If more than four inventors, include additional information on another copy of this form and attach)

| Inventor's Full Name | Title | Division/Lab | Contact details | Inventor Signature |
|----------------------|-------|--------------|-----------------|---|
| Tom Chapman | Mr | <u>LOD</u> | x94539 |  |
| | | | | |
| | | | | |
| | | | | |

Wayne Hobbs ⁹⁶⁴³⁷  Date: 16/ 7 / 2003
 Witness Name Signature

BRIEF SUMMARY OF THE INVENTION

 Please give a *brief* description of the invention (in lay terms) explaining clearly and concisely what it is, and its intended purpose. Please retain all records of the invention. Provision is made at the back of the Disclosure Form for a more detailed description of the invention. Off axis viewing device (eye piece) which is a compact form of periscope that can be connected to weapon scopes and other devices (eg binoculars) enabling the viewer to retain the bulk of their body away from the immediate line of site reducing both the potential for detection and harm.

DEGREE OF TECHNOLOGICAL SIGNIFICANCE (Which bests expresses the degree of technological significance of this invention?)

 X Modification/improvement to existing technology ☐ Substantial Advancements in the Art ☐ Major Breakthrough

STAGE OF DEVELOPMENT

What is the current stage of development?

Concept Only ☐ Proof of Concept ☐ Laboratory Tested ☐
 Functional Prototype X Operationally/Beta Tested ☐ Ready for Commercialisation ☐

Describe: What further development is required to prove the invention is technically feasible?

NIL

Are there any critical problems to be overcome, or tasks to be done prior to practical application?

A more detailed and thorough product specification needs to be developed incorporating issues such as, suitable lenses for appropriate eye relief, method of fixing to various optical devices (eg either directly or through some form of adaptor), nitrogen filling etc.

What tests have been done, and test data is available, that proves the concept is technically successful?

To be completed by Chief of Division or Research Leader: I approve the invention disclosure.

 Name: W. L. HARTY Signature:  Date: 16/ 7 / 2003

Division/Laboratory

LOD / 882

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THIS CONFIDENTIAL DISCLOSURE MUST BE SIGNED AND DATED BY EACH INVENTOR AND APPROVED BY THE CHIEF OF DIVISION OR RESEARCH LEADER. SEND TO THE DIRECTOR, DSTO TECHNOLOGY TRANSFER & COMMERCIALISATION OFFICE.

SECURITY CLASSIFICATION

Australian official information, which has national security sensitivity, is given a national security classification in order to ensure that it receives protection commensurate with its value to the nation.

(Please note that the appropriate security classification marking should be placed on this Invention Disclosure Form)

This invention is classified:

X Unclassified ☐ Restricted ☐ Confidential ☐ Secret ☐ Top Secret

PUBLIC DISCLOSURE

Note: Valid patent protection depends on accurate answers to the following questions. As publication or public disclosure may jeopardise any patent application, please defer publication if you think that you may have patentable subject matter.

Date of first verifiable record of invention: (when conceived and recorded e.g. in Lab book) include details of Lab book, etc.
9 / Apr / 2003

Has the invention been disclosed outside of Defence? If yes, date(s) of disclosure (oral, written or electronic) and names of persons, organisations or companies to whom disclosed, with or without a non-disclosure agreement:

Was the party cautioned about confidentiality YES X NO ☐

Disclosure Date: 7 / May / 2003 Disclosed To: Adam Possingham – Concentric Asia Pacific

NDA Used
YES X

Electronic Cad Files provided to enable rapid prototype construction

Please provide a copy of any non-disclosure agreements

If the invention has been published, date of first publication (electronic, print, thesis, or other media) __ / __ / 200__
Where published: _____

If unpublished or undisclosed, do you plan to publish or disclose the invention within the next ☐ 3, X 6 or 12 ☐ months?

For Software Only

Is a copyright notice installed in the program? YES ☐ NO ☐ If not, place the following notice throughout the source code, documentation, and physical copies:

© Commonwealth of Australia (Department of Defence) <year>

PATENT ACTIVITY

Patent Status (patentability and/or prior patents on/or related to this invention)

Are there any patentable aspects to this invention? YES ☐ NO ☐ X maybe, certainly design IP

☐ Application Filed Application No. _____ Application Date _____

☐ Patent Issued Patent No: _____ Issue Date _____

Patent Attorney _____

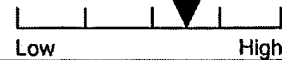
Patent Search: Has a patent search been conducted in development of the invention or to support the preparation of this disclosure? YES ☐ NO X

If yes, please ATTACH details of the search results and any keywords.

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TASK SPONSORSHIPIs the research part of a sponsored ADF task or other sponsored task? YES ☒ NO ☐Who is the sponsor? *ARM 03 113 Land 125*How will this research enhance Defence capability? *Low cost pragmatic solution to requirement of minimising operator exposure.*

Significance of invention's contribution to enhancing Defence Capability

**THIRD PARTY AGREEMENTS & ASSOCIATIONS**(i) Is this invention the result of any contracted research or collaboration with an external research organisation or contractor (eg. Research agreement, TSS contract, consulting agreement, etc.)? YES ☐ NO ☒(ii) Are intellectual property rights vested in the other party YES ☐ NO ☒

If yes to (i) or (ii), provide the following details as appropriate:

Research Agreement No.: _____

TSS Contract No.: _____

Other Agreement(s): _____

Please state type of agreement eg. TTCP, Cooperative Research Centre, Industry Alliance, Collaborative Agreement, Capability Technology Demonstrator, Centre of Expertise, etc.

Name of External Research Organisation or Company: _____

Contract Period: Start ___/___/200___ End ___/___/200___

Attach a copy of all relevant contracts and/or agreement, if available.

Was any proprietary material or third party intellectual property used to develop the invention (eg. Software code, background IP, COTS products, chemical compounds, etc)? YES ☐ NO ☒

If yes, please provide details:

COMMERCIAL POTENTIAL OF THIS INVENTION

What is your assessment of the current and/or potential military and civilian market applications for the Invention:

If appropriate easy adaption (to various optical devices) can be provided this low cost solution will have widespread military appeal.

List any potential collaborators or licensees you have identified that may be interested in commercialising this invention:

Possibly ADI who produce Steyr scopes, other scope manufacturers of high volume military weapons.

If contact has been made with any potential collaborators or companies about the commercial development of the invention, please provide details on status of discussions.

Name of Company:

Address:

Contact Person:

Tel:

Fax:

E-mail:

Status of Discussions, if any:

DETAILED DESCRIPTION OF INVENTION

Attach additional pages if necessary (each additional page should be signed and dated by the inventor(s)).

A. Provide a detailed description of the invention outlining its operation (attach key supporting material such as block diagrams, drawings, graphs, computer listings, etc.)

Please refer to CAD drawings for accurate detail. The 'device' (appropriate working name to follow) attaches to the objective end of a rifle telescope sight. The device diverts the image through to the operator who is positioned off-axis to the target.

B. What problem(s) does the invention solve?

The device enables more of the operator to remain concealed and therefore reduces the risk of detection or harm.

The device is a low cost alternative to other camera based alternatives being proposed.

C. What advantages does it offer over prior art? Emphasise the key features which are believed to be new, unexpected or critical to its function

Device is integrated with telescopic sights (and potentially other devices).

Its ability to be rotated around the sight enables various off-axis positions to be adopted.

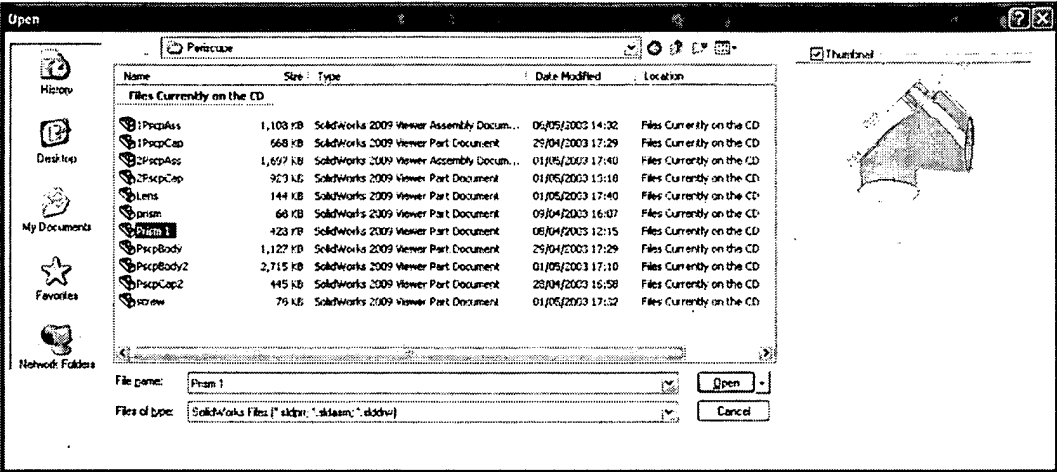
The operator can operate the equipment to which the device is connected (ie engage targets)

The device can swivel out of the way so that the operator may resume direct axis use of the equipment the device is attached to.

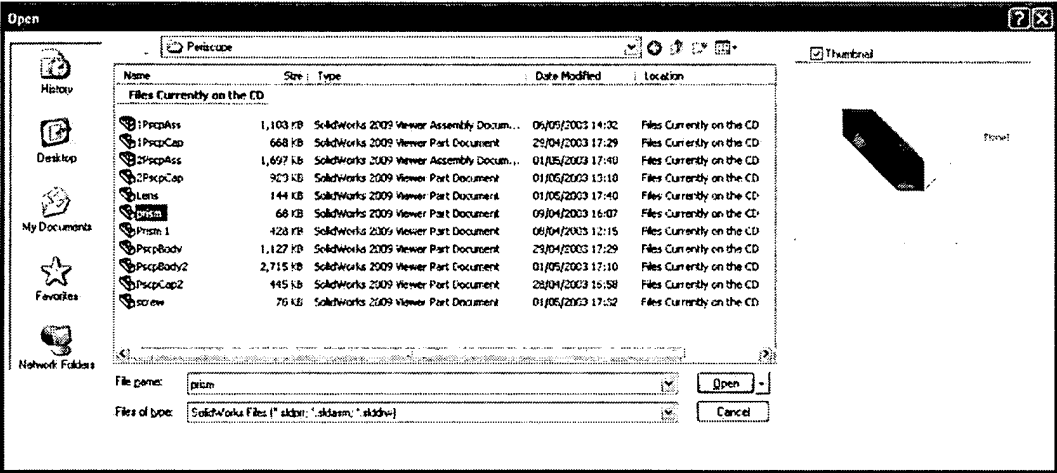
D. What are the prior solutions and what are the shortcomings or disadvantages of competing technology or known methods of performing the same function?. Indicate any product literature, known patents or publications that describe such methods

Low cost solution to Video Camera based alternatives.

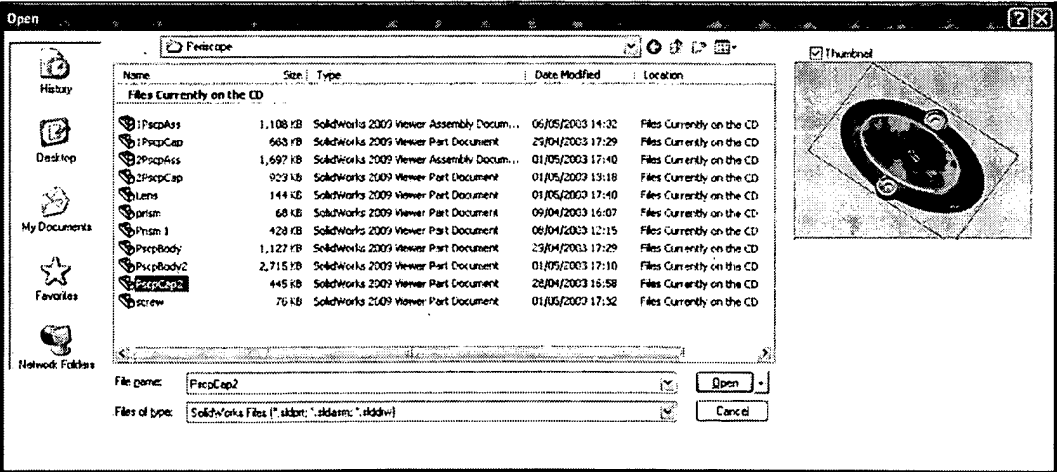
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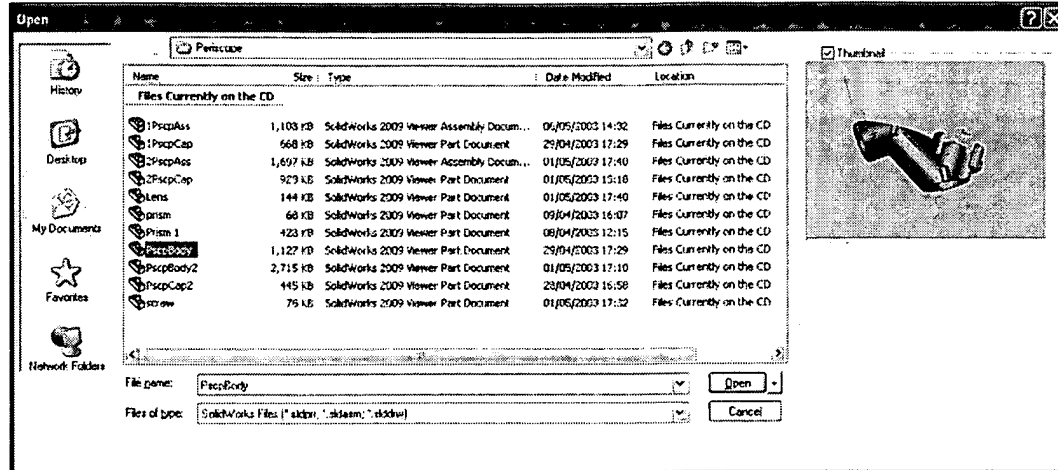
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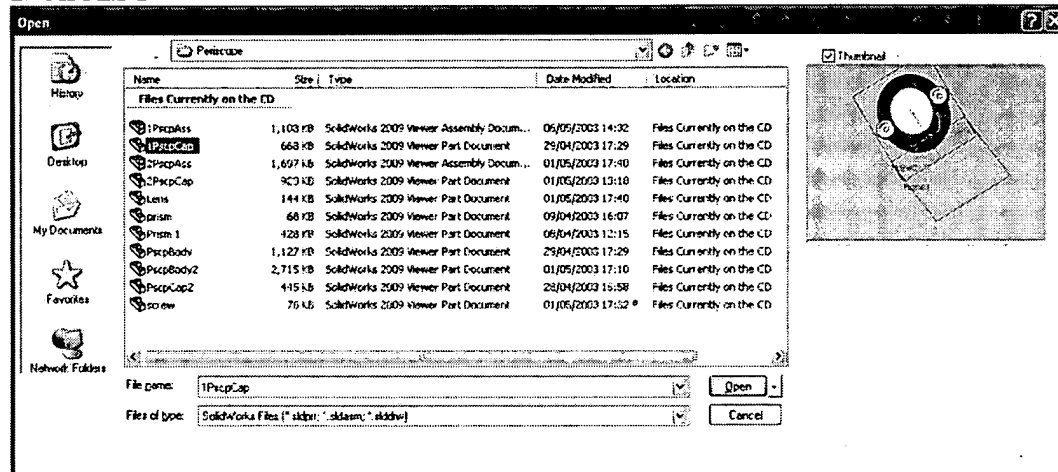
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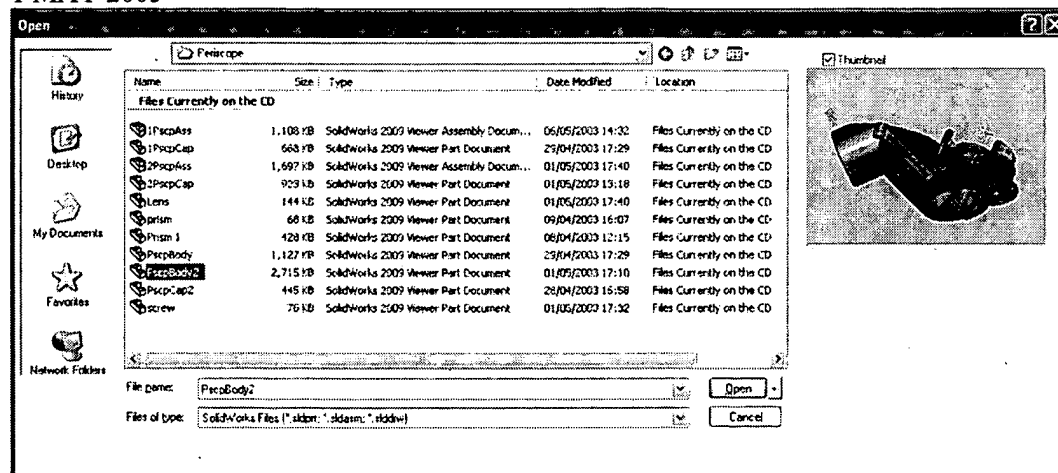
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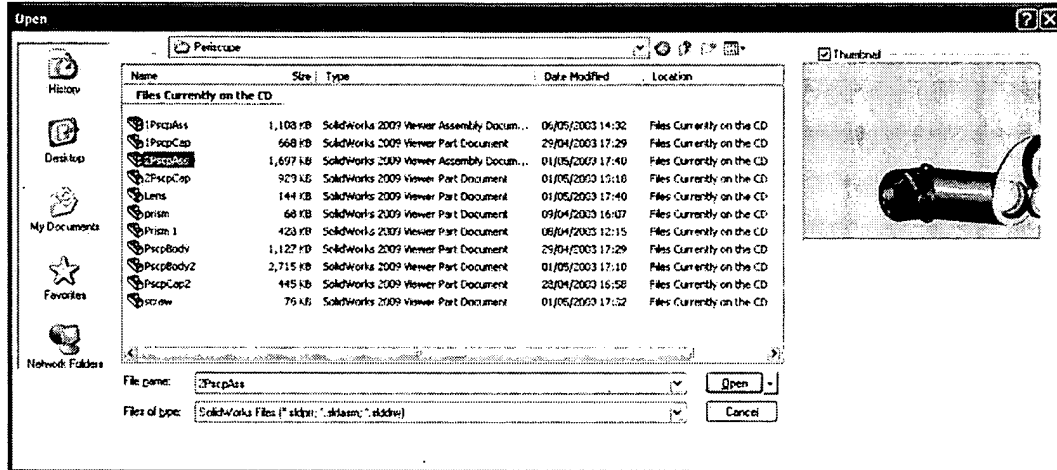
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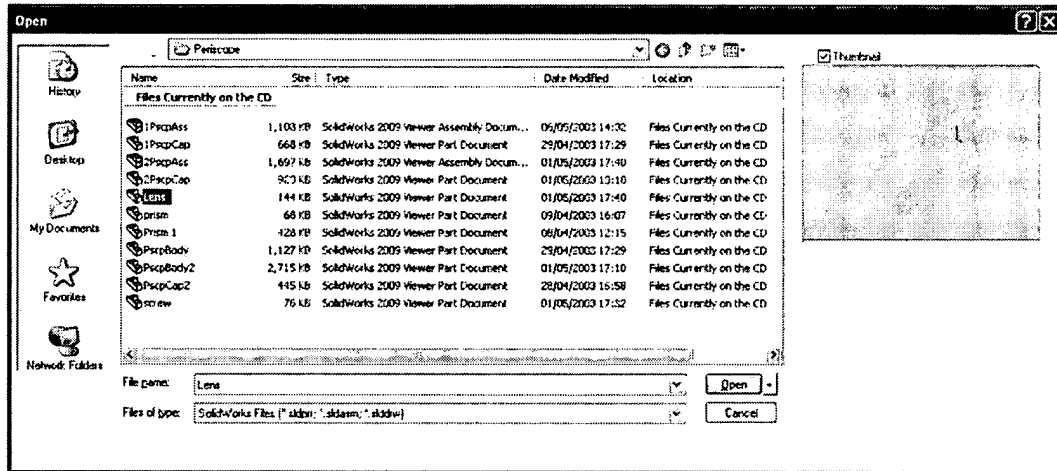
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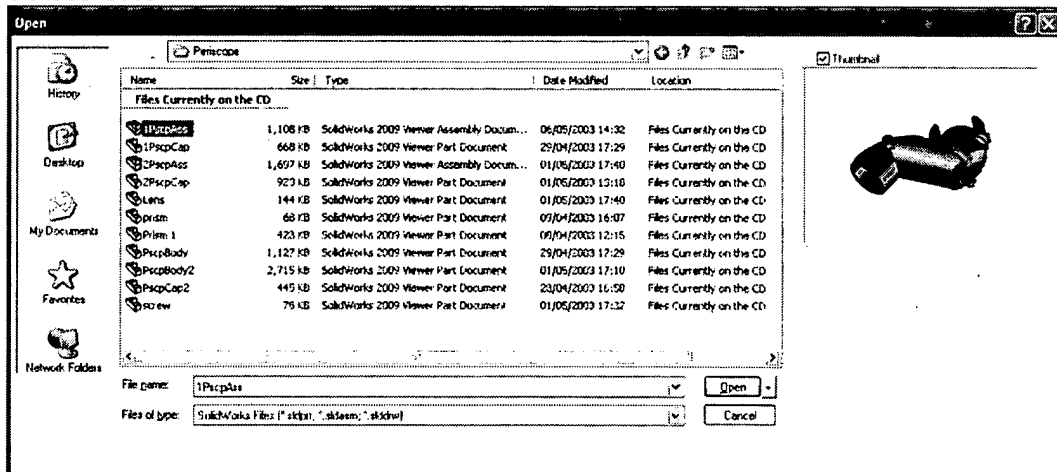
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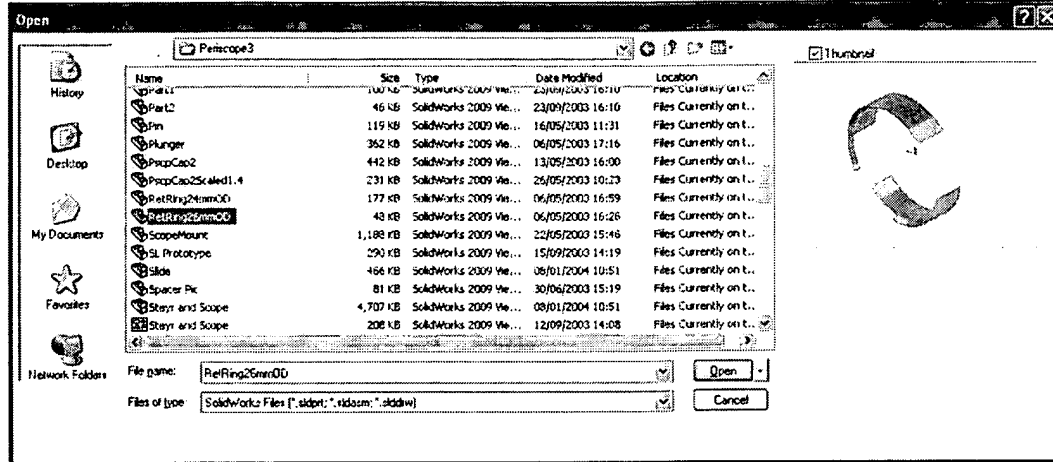
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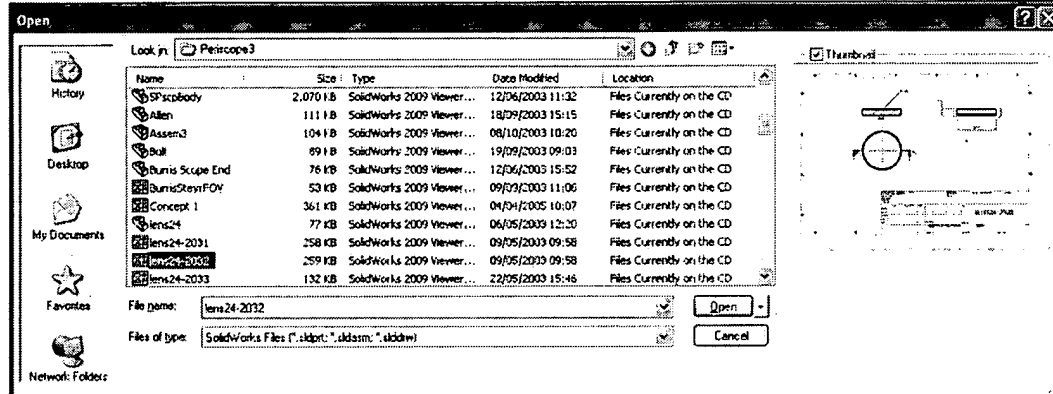
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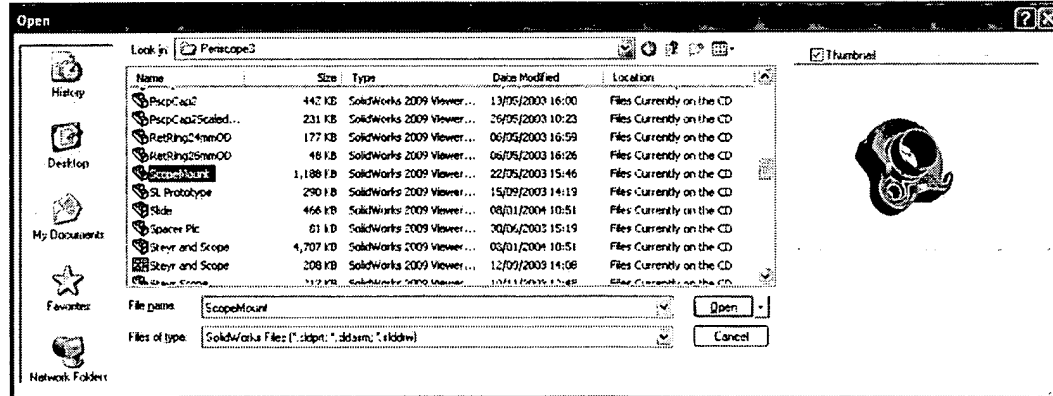
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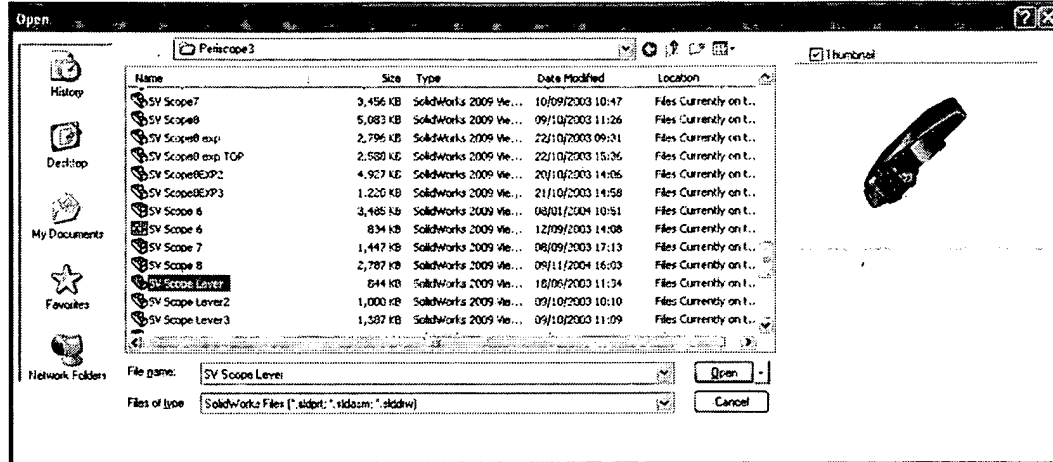
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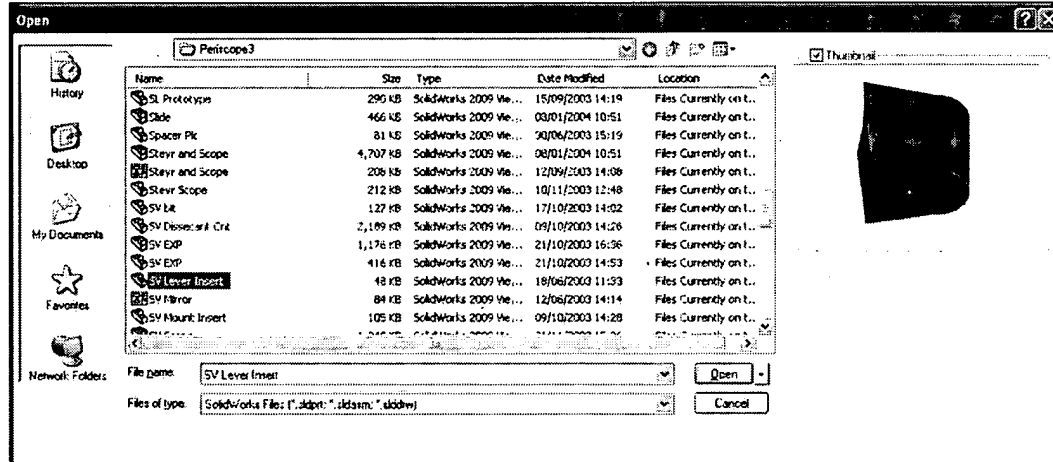
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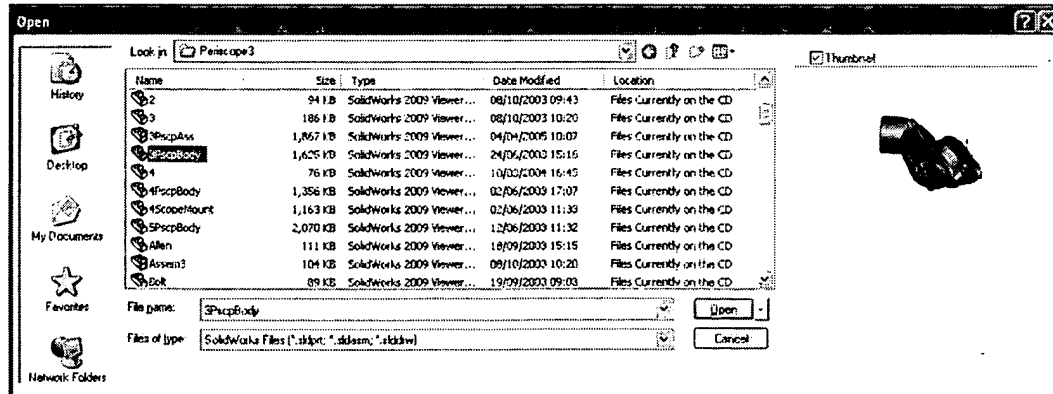
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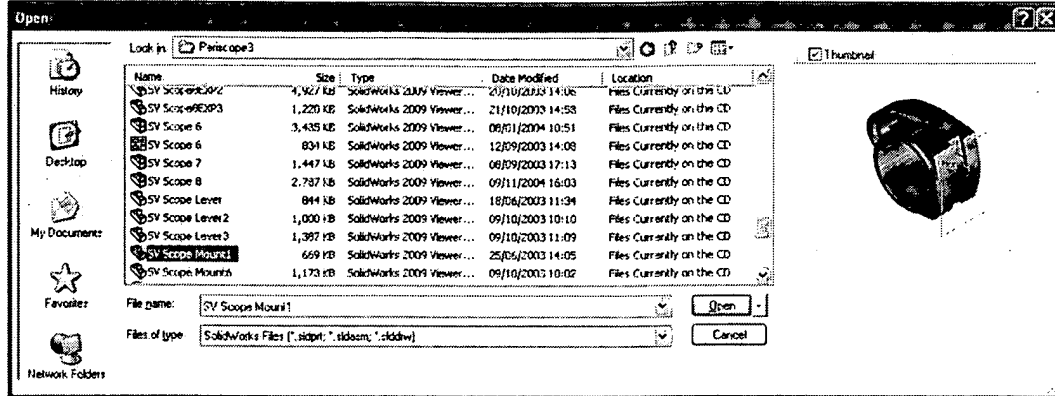
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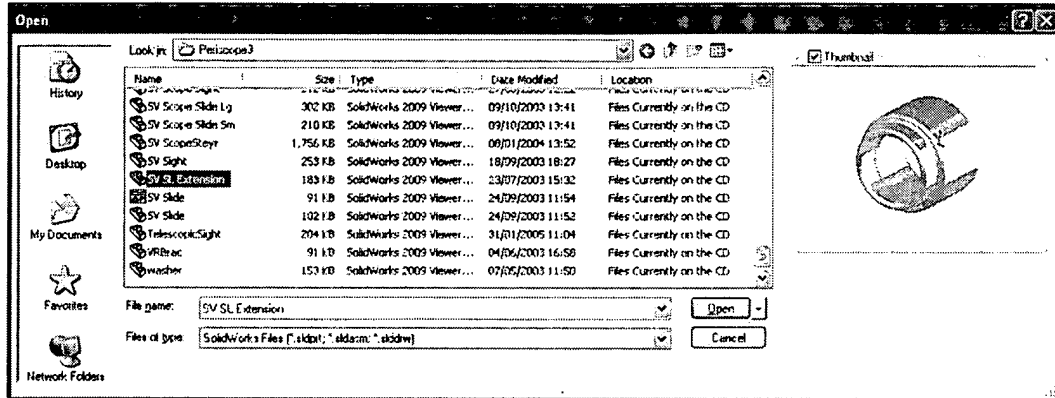
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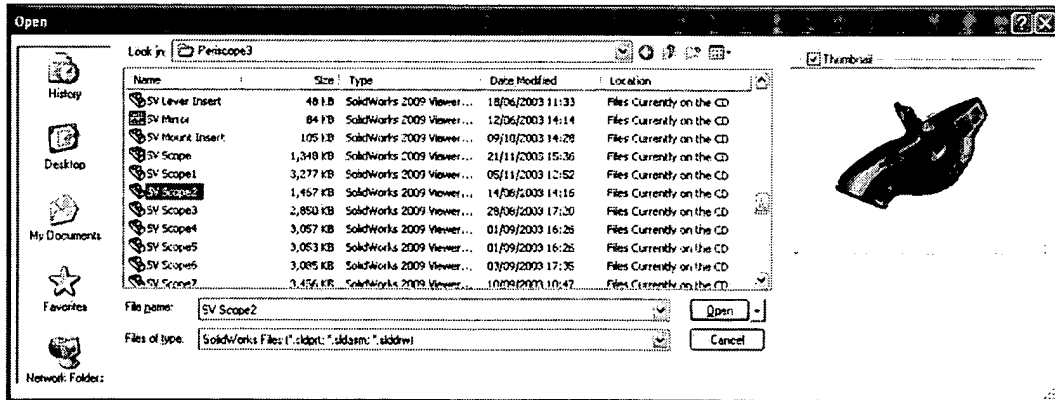
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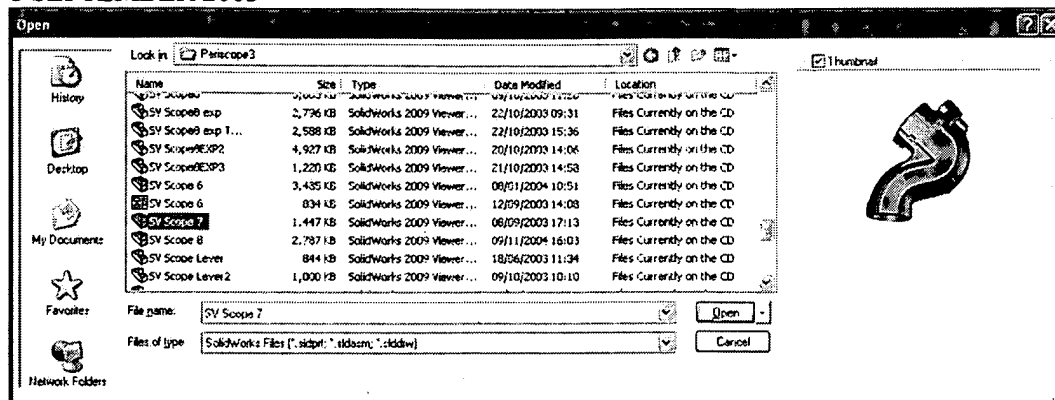
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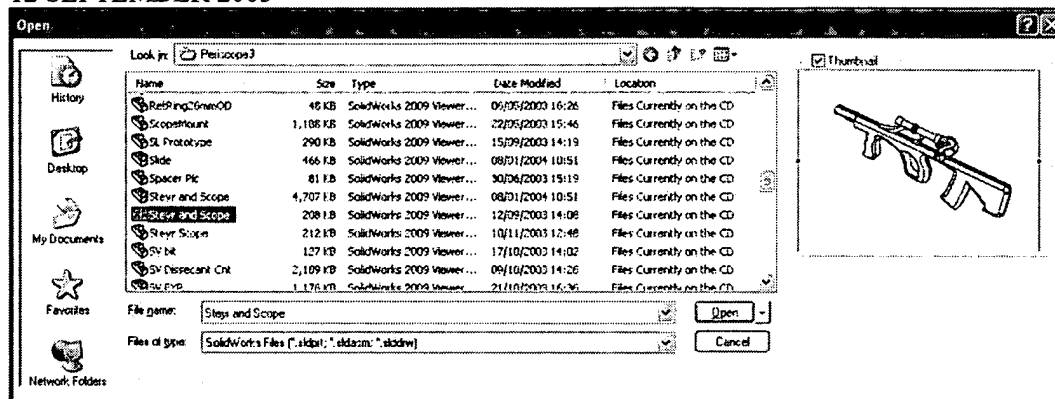
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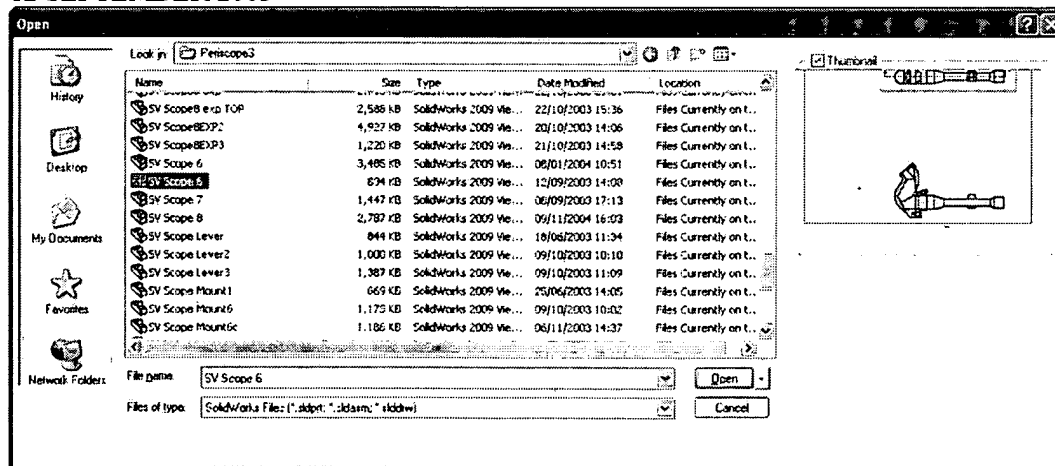
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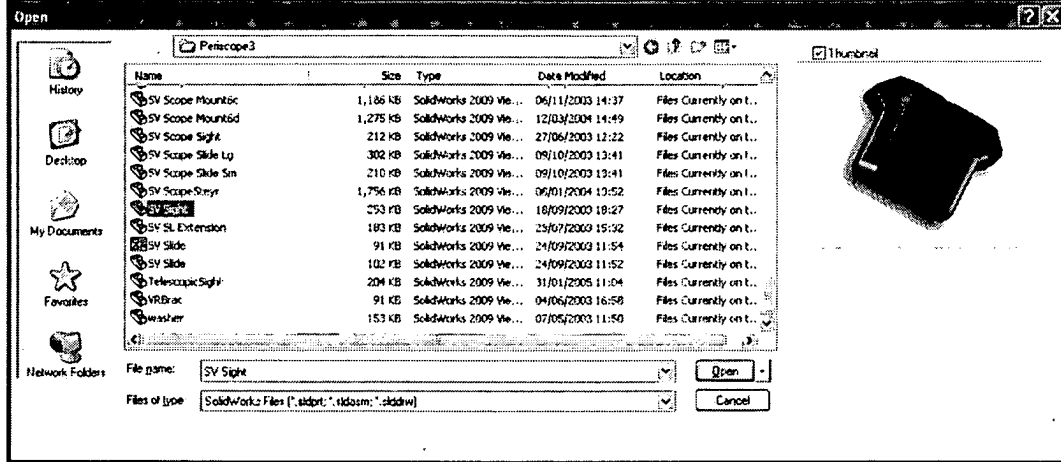
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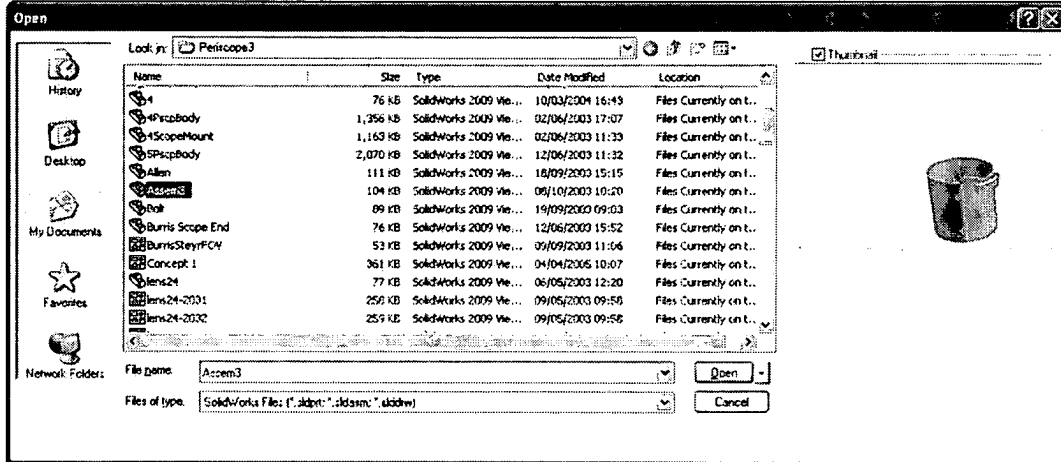
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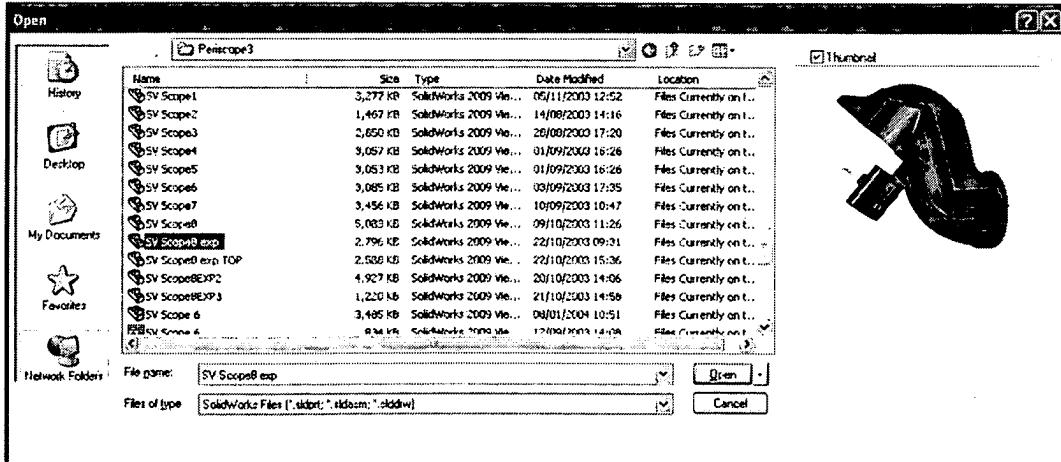
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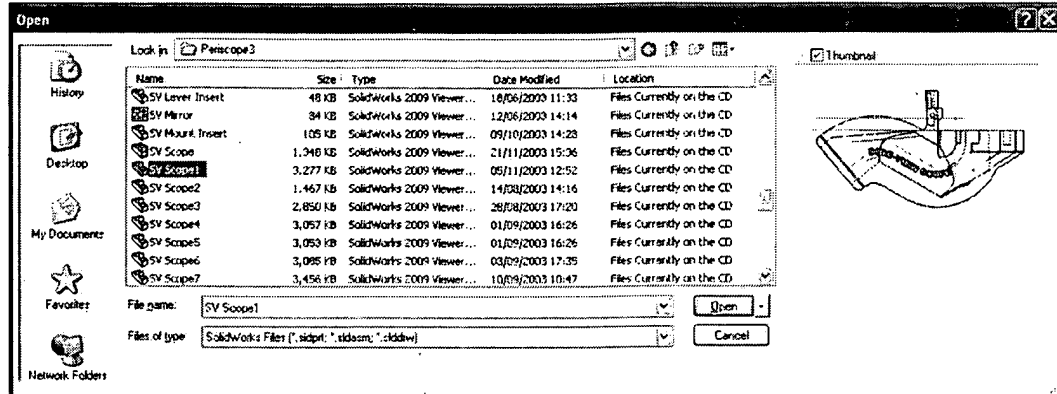
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